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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,272	02/06/2002	Gabriel Daemon Engel		7736

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EXAMINER

NGUYEN, KEVIN M.

ART UNIT PAPER NUMBER

2674

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,272

Applicant(s)

ENGEL ET AL.

Examiner

Kevin M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on 05/03/2004 is entered. The rejection of claims 1-18 is maintained. Claims 19-21 are cancelled by the Applicant.
2. Claims 4-8 and 12-18 are withdrawn to under 37 CFR 1.75(c).
3. An abstract on a separate sheet is acknowledged.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8-14, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Damouth (US 5,333,255).

As to claim 1, Damouth teaches a visual display system comprising multi-level screen (28, 29, 30, 31) spaced physically apart (figure 3a), each screen has a two dimensional plane, a visual indicator (cursor 50), an input device (a pointing device 10, figure 1), an user selectable input (the button of the mouse, column 4, lines 5-7), the user can use the selectable input (the button of the mouse) to move the cursor via the input device (10) out of the 2-dimensional plane (28), and onto another screen (29) where both screens display images simultaneously (figure 3b, column 9, lines 3-15).

As to claim 2, Damouth teaches the visual indicator is a cursor (50) (figure 3),

As to claim 3, Damouth teaches the input device is a mouse (column 4, lines 5-7).

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As to claim 4, Damouth teaches the user selectable input is a mouse button (the conventional mouse comprises buttons, column 4, lines 5-7).

As to claim 5, Damouth teaches the visual display system associated with software supplemental to the software drivers for the input device (see figure 2, column 7, line 36 through column 8, line 25).

As to claim 6, Damouth teaches the visual indicator (cursor 50) moves to a different z-axis coordinate (column 10, lines 11-19).

As to claim 8, Damouth teaches the visual indicator is the screen image (the cursor image 50) (figures 3a and 3b).

As to claim 9, Damouth teaches a visual display system associated with a method comprising multi-level screen (28, 29, 30, 31) spaced physically apart (figure 3a), each screen has a two dimensional plane, a visual indicator (cursor 50), an input device (a pointing device 10, figure 1), an user selectable input (the button of the mouse, column 4, lines 5-7), the user can use the selectable input (the button of the mouse) to move the cursor via the input device (10) out of the 2-dimensional plane (28), and onto another screen (29) where both screens display images simultaneously (figure 3b, column 9, lines 3-15).

As to claim 10, Damouth teaches the visual indicator is a cursor (50) (figure 3),

As to claim 11, Damouth teaches the input device is a mouse (column 4, lines 5-7).

As to claim 12, Damouth teaches the user selectable input is a mouse button (the conventional mouse comprises buttons, column 4, lines 5-7).

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As to claim 13, Damouth teaches the visual display system associated with software supplemental to the software drivers for the input device (see figure 2, column 7, line 36 through column 8, line 25).

As to claim 14, Damouth teaches the visual indicator (cursor 50) moves to a different z-axis coordinate (column 10, lines 11-19).

As to claim 16, Damouth teaches the visual indicator is the screen image (the cursor image 50) (figures 3a and 3b).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Damouth in view of DeStefano (US 6,075,531).

As to claims 7, 15, Damouth teaches all of the claimed limitations of claims 1 and 9, except for movement of the visual indicator from one screen to another screen gives the appearance of providing a visual bridge between the screens. However, DeStefano teaches a related visual display system associated with a method comprising the movement of the visual indicator (425) from one screen (420) to another screen (420') gives the appearance of providing a visual bridge between the screens (420, 420') (figure 21, column 18, lines 25-32). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the visual bridge of the visual

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indicator taught by DeStefano for Damouth's visual indicator because this would move or resize either inwardly or outwardly relative to a common origin located proximate the pointer more quickly and easily in a more coordinated fashion (column 2, lines 53-59 of DeStefano).

As to claims 17, 18, Damouth teaches all of the claimed limitations of claims 1 and 9, except for the input device is a pen. However, DeStefano teaches the input device is a pen (column 5, line 32). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the pen taught by DeStefano for Damouth's input device because this would move or resize either inwardly or outwardly relative to a common origin located proximate the pointer more quickly and easily in a more coordinated fashion (column 2, lines 53-59 of DeStefano).

Response to Arguments

8. Applicant's arguments filed 05/03/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that claims 1 and 9 recite "multi-level screens spaced physically apart." This argument is not persuasive because Damouth's invention fairly teaches "as shown in Fig. 3a, the display regions 28-31 are displayed by the display region display circuit 22 in a predetermined overlapping fixed positional relationship resembling a stack of pages. It should be understood that display regions 28-31 can also be displayed such that they overlap in an arbitrary positional relationship (col. 8, lines 60-63)."

For these reasons, the rejections based on Damouth have been maintained.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kevin M. Nguyen** whose telephone number is **703-305-6209**. The examiner can normally be reached on MON-THU from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reached on **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

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Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kevin M. Nguyen
Patent Examiner
Art Unit 2674

KN
July 12, 2004


XIAO WU
PRIMARY EXAMINER